

1652

Docket No.: 20350 US1 (C038435/0128572)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Tatsuo HOSHINO, *et al.*)
Serial No.: 10/066,007) Examiner: Maryam Monshipouri
Filed: February 1, 2002) Art Unit: 1652
For: **ASTAXANTHIN SYNTHASE**)

New York, New York
March 8, 2004

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed February 9, 2004, which set a one-month shortened statutory period for response. Accordingly, this Response is timely filed with an executed certificate of mailing on or before March 9, 2004. It is not believed that this response occasions any fee, but should there be any fee, please charge the same to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.


On page 2 of the Office Action, the Examiner issued a three-way restriction requirement pursuant to 35 U.S.C. § 121. The restriction divided the claims into the following allegedly distinct inventions:

Group I drawn to "DNA sequences encoding astaxanthin synthases from *P. rhodozyma*, vectors and host cells comprising said sequences" containing claims 1-14, 16-19, 29-31 and 33-39; Group II drawn to "said syntheses" containing claims 15 and 24; and Group III drawn to "precosses [sic] for producing astaxanthin" containing claims 20-28. (Office Action at 2).

In accordance with restriction practice, the subject matter of claims 1-14, 16-19, 29-31 and 33-39 (Group I) is hereby elected for prosecution with traverse.

For the reasons set forth above, examination on the merits and allowance of the claims respectfully is requested. If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 8, 2004.



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Respectfully submitted,

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